

AMENDMENT UNDER 37 C.F.R. § 1.116
SERIAL NO. 09/756,881
ATTORNEY DOCKET NO. Q62603

REMARKS

General remarks.

Claims 1-4, 6-8, 10-12, 14-22, and new claims 23-25 are now all the claims pending in the application. New claims 23-25 are well supported in the originally-filed specification. The prior art rejections should be reconsidered, and withdrawn, in the light of the points shown below.

Rejection of claims 1-4, 6-7, 12, 14-16, 21, and 22 under 35 U.S.C. § 102(b).

The Examiner rejected claims 1-4, 6-7, 12, 14-16, 21, and 22 under 35 U.S.C. § 102(b) as being "obvious" [sic] by Oda et al. (US 5937152). As a preliminary matter, the Examiner's rejection should have been made under §103 for obviousness instead of §102. From the text of the rejection, it appears that the Examiner's arguments are directed toward obviousness, and so Applicant addresses the rejection as if it were made under 35 U.S.C. §103(a) to advance the case more rapidly.

Independent claim 1 has been amended. In particular, the requirement relating to the fixing signal output means now states that the outputting of the fixing signal is "so that the selected group is not used for forming the dot, in accordance with the record data". The requirement relating to the fixing means now states that the function of the fixing means is "for setting the selected group so as not to form the dot, in response to the fixing signal". These claim amendments have been made for the purpose of broadening the scope of independent claim 1 and its dependent claims by eliminating requirements not necessary for the patentability of claim.

Claim 1 patentably distinguishes over Oda in view of the requirements just mentioned. That is to say, Oda does not show a fixing signal, does not teach or suggest fixing means which sets the selected group so as not to form the dot, in response to the fixing signal, and does not show the fixing signal output means for outputting a fixing signal to the drive means instead of the record data.

The Examiner made an assertion that Oda contains a prior art teaching similar to the above-identified requirements, in column 7, lines 54- 59. This part of Oda, however, does not

provide any evidentiary support for the Examiner's position. As can be readily determined, the Oda reference says nothing about a fixing signal. The

It is noted that the print head drive portion 19 drives all the print heads 21a-21d when print data for multicolor images is supplied. The print head drive portion 19 drives a corresponding one of the print heads 21a-21d when print data for monochromatic images is supplied. 55

passage cited by the Examiner does not mention any means whereby the selected group is set so as not to form the dot, in response to the fixing signal, nor any means "for outputting a fixing signal, to the drive means, *instead of the record data*."

The claim, quite simply, requires a fixing signal be sent to the drive means instead of the record data. Not only that, the signal sent to the drive means is the fixing signal to which the fixing means is responsive.

The Examiner asserts that, since the driving of the print heads depends on the monochrome/color mode, "so the fixing means is included inside the PRINT HEAD DRIVE PORTION". Even if that were true, the Examiner has failed to show where in Oda it says that the monochrome/color mode signal is sent to the driving means instead of the record data. It is true that the Oda print heads are provided with print data that is either monochrome or color; it is true that certain heads are driven depending on whether the mode signal indicates monochrome or color; it is not true that this Oda mode signal is provided to the drive means instead of the record data. Oda does not provide the Oda mode signal to the drive means *instead of record data*. It may send something to the Oda drive means, but it is not the Oda mode signal, and it is not sent *instead of anything*, let alone being sent *instead of record data*.

The Examiner's case for anticipation (or even obviousness) with respect to the above identified express requirements of claim 1 is thus not supported by any evidence that Oda meets these requirements. Since Oda does not meet these requirements, it cannot be said that Oda anticipates or otherwise renders unpatentable the subject matter of independent claim 1.

It is respectfully submitted therefore that this rejection should be withdrawn with respect to independent claim 1, and also with respect to claims 2-4, 6-7, 12, 14-16, 21, and 22, all of which contain requirements for outputting to the drive means the fixing signal, instead of the record data.

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Rejection of claims 10 and 11 under 35 U.S.C. § 103(a).

The Examiner rejected claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Oda et al. (US 5937152) in view of Nakano (US6149263). This rejection is respectfully traversed.

Claims 10 and 11 depend from claims 1 and 2. Thus, both claims contain requirement for outputting to the drive means the fixing signal, instead of the record data. Oda has already been discussed for its deficiency to meet the above requirement. Nakano clearly does not compensate for the above-identified deficiencies of Oda.

Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of Oda and Nakano would not have led such a person to modify Oda so as to achieve the subject matter of independent claim 1, let alone the claims that depend on claim 1. Therefore, Applicant respectfully requests that this rejection be withdrawn with respect to claims 10 and 11.

Rejection of claims 8, 17, 18, 19, and 20 under 35 U.S.C. § 103(a).

The Examiner rejected claims 8, 17, 18, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Oda et al. (US 5937152) in view of Rezanka et al. (US 5570118).

This rejection is traversed, first with respect to claims 8, 17 and 20. Claims 8, 17 and 20 each contain requirements for outputting to the drive means the fixing signal, instead of the record data. Oda has already been discussed for its deficiency to meet the above requirement. Rezanka clearly does not compensate for the above-identified deficiencies of Oda.

Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of Oda and Rezanka would not have led such a person to modify Oda so as to meet the requirement for outputting to the drive means the fixing signal, instead of the record data. Therefore, this rejection must be withdrawn with respect to claims 8, 17 and 20.

The rejection of claims 18 and 19 is now discussed. Independent claim 18 requires:

a color group for forming a plurality colors
of dots only during the color recording,

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a first black group for forming a black dot only during monochrome recording, and

a second black group for forming a black dot during the monochrome recording and during the color recording.

The Examiner acknowledged that Oda does not meet this requirement. To compensate for this deficiency of Oda, the Examiner relied on Rezanka.

It is agreed that Oda does not meet the above-identified requirements of claim 18. Rezanka, however, does not compensate for this deficiency of Oda with respect to claim 18. Rezanka is concerned with only color printing using two print heads containing separately fast- and slow-drying inks for the same color. Thus, Rezanka does not deal with the issue of having color recording and monochrome recording in the same apparatus. Furthermore, Rezanka does not contain any teaching or suggestion of sharing one group for forming a dot during two modes of recording, in the manner set forth explicitly in claim 18. Therefore, Rezanka cannot be said to compensate for this particular deficiency of Oda.

Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of Oda and Rezanka would not have led such a person to modify Oda so as to meet the requirements set forth in claim 18, let alone its dependent claim 19. Applicant thus respectfully requests that this rejection be withdrawn with respect to claims 18 and 19.

New claims 23-25.

Independent claim 23 patentably distinguishes over the prior art in view of its requirement for a fixing signal generator outputting to the drive unit a fixing signal instead of the record data. Independent claim 24 patentably distinguishes over the prior art in view of its requirement for transferring a fixing signal instead of record data. Dependent claim 25 (i.e., 25/1) patentably distinguishes over the prior art in view of its dependency from independent claim 1.

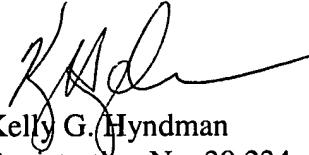
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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